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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/620,012	07/15/2003	Samuel Leven	7280-2-1	8599
30448	7590	02/01/2006	EXAMINER	
AKERMAN SENTERFITT			PRASAD, SONAL	
P.O. BOX 3188			ART UNIT	
WEST PALM BEACH, FL 33402-3188			PAPER NUMBER	

3767

DATE MAILED: 02/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/620,012	Applicant(s) LEVEN, SAMUEL	
	Examiner Sonal Prasad	Art Unit 3767	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3/22/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-30 are rejected under 35 U.S.C. 102(e) as being anticipated by Causey III et al. (US 2004/0073095 A1). Causey et al discloses a wearable health monitoring device comprising (Fig. 2): a plurality of sensors configured to monitor health indicators; at least one sensor interface for receiving health indicator data from said plurality of sensors(Background [0004]); at least one memory for storing the health indicator data, and a processor for analyzing the health indicator data(Background [0009]), wherein said processor is configured to dynamically regulate a substance delivery mechanism responsive to the health indicator data. (Background [0011]).

Regarding claim 2, Causey et al discloses the monitoring device according to claim 1, wherein said sensors include at least one sensor to monitor head rate, heart murmur, heart intensity, electro-cardio signals, lung noise, respiration rate, occlusion, adrenal level, acetylcholine level, temperature, and sodium levels. (Fig. 20, Detailed description)

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Regarding claim 3, Causey et al discloses the monitoring device further comprising a wireless transceiver for communicating with at least one of an emergency service, a health care professional, a third party, and a processing device. (Background [0008])

Regarding claim 4, Causey et al discloses the monitoring device wherein the wireless transceiver is configured to detect available communication links. (Detailed description [0098])

Regarding claim 5, Causey et al discloses the monitoring device further comprising a viewing screen for displaying at least one of data from said sensors, data received by said transceiver from a remote source, and device diagnostic information. (Fig. 2)

Regarding claim 6, Causey et al discloses the monitoring device wherein said processor is programmed with an individualized patient profile establishing ranges of normal health indicators, wherein said processor compares the health indicator data with the patient profile. (Detailed description [0063])

Regarding claim 7, Causey et al discloses the monitoring device wherein said processor signals said medication delivery system to regulate the delivery of at least one substance. (Detailed description [0078])

Regarding claim 8, Causey et al discloses the monitoring device further comprising a wireless transceiver through which said processor communicates with the medication delivery system. (Detailed description [0087])

Regarding claim 9, Causey et al discloses the monitoring device wherein the medication delivery system is at least one of a dermal patch, a medication port, and a medication pump. (Background [0004])

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Regarding claim **10**, Causey et al discloses the monitoring device further comprising a wireless transceiver for communicating with an authorized computing system, wherein said processor signals said medication delivery system to regulate delivery of a substance responsive to receiving a medication delivery signal from the authorized computing system. (Detailed description [0096]).

Regarding claim **11**, Causey et al discloses the monitoring device wherein the medication delivery system is at least one of a dermal patch, a medication pod, and a medication pump. (Background [0004])

Regarding claim **12**, Causey et al discloses a patient health monitoring system comprising: a wearable patient health monitoring device having a plurality of sensors configured to monitor health indicators, a data storage for recording monitored health indicators as data, a transceiver for wireless communications, a medication delivery system, and a processor configured to dynamically regulate substance delivery to the patient, said processor responding to indicator data; at least one health professional computing device communicably coupled to said monitoring device via a communications network, at least one third party computing device communicably coupled to said monitoring device via a communications network. (Claims 32 & 33)

Regarding claim **13**, Causey et al discloses the monitoring system further comprising a patient computing device communicably coupled to said monitoring device and communicably coupled to said health professional computing device and said third party computing device via at least one of wired communications network and wireless communications network. (Detailed description [0016]).

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Regarding claim **14**, Causey et al discloses the monitoring system wherein at least one of said patient computing device and the health monitoring device is configured to play audible messages. (Detailed description [0045])

Regarding claim **15**, Causey et al discloses the monitoring system wherein said processor is programmed with an individualized patient profile establishing ranges of normal health indicators such that said processor compares detected health indicators to said range of normal health indicators. (Detailed description [0063])

Regarding claim **16**, Causey et al discloses the monitoring system wherein said health monitoring device signals at least one of said patient computing device, said health professional computing device, and said third party computing device when detected health indicators are outside of said range of normal health indicators. (Detailed description [0063] & [0087]).

Regarding claim **17**, Causey et al discloses the monitoring system wherein the patient profile is updated based on detected health indicators. (Detailed description [0079]).

Regarding claim **18**, Causey et al discloses the monitoring system wherein said monitoring device contacts at least one of said health professional computing device and said third party computing device based on data from said sensors. (Detailed description [110]).

Regarding claim **19**, Causey et al discloses a method for monitoring the health indicators of a patient, comprising the steps storing an individualized patient profile to establish normal ranges of health indicators, detecting patient health indicators using at least one sensor, comparing detected health indicators to the patient profile, and

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initiating a programmatic response to at least one of said detecting step and said comparing step, wherein said programmatic response is selected from the group consisting of notifying a health professional, notifying the patient, notifying a third party, and regulating the delivery of a substance to the patient. (Detailed description [0063])

Regarding claim **20**, Causey et al discloses the method further comprising the step of signaling at least one of a personal computing device, a third party computing device, and health professional computing device when the detected health indicators are outside of the established normal range. (Detailed description [0063])

Regarding claim **21**, Causey et al discloses the method further comprising the step of: storing at least one prerecorded message, and playing at least one prerecorded message. (Detailed description [0071] & [0075])

Regarding claim **22**, Causey et al discloses the method further comprising the step of receiving a communication from a remote computing system specifying a suggested course of treatment. (Detailed description [0063])

Regarding claim **23**, Causey et al discloses the method further comprising the step of signaling a medication delivery system to regulate the delivery of at least one substance according to said suggested course of treatment. (Detailed description [0078])

Regarding claim **24**, Causey et al discloses the method according to further comprising the step of updating the patient profile according to detected health indicators. (Detailed [0063])

Regarding claim **25**, Causey et al discloses a machine readable storage, having stored thereon a computer program having a plurality of code sections executable by a

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machine for causing the machine to perform the steps of: storing indicators ; detecting patient health indicators using at least one sensor, comparing detected health indicators to the patient profile; and initiating a programmatic response to at least one of said detecting step and said comparing step, wherein said programmatic response is selected from the group consisting of, notifying a health professional, notifying the patient, notifying a third party, and regulating the delivery of a substance to the patient. an individualized patient profile to establish normal ranges of health. (Detailed description [0063])

Regarding claim **26**, Causey et al discloses the machine readable storage further causing the machine to perform the step of signaling at least one of a personal computing device, a third party computing device, and health professional computing device when the detected health indicators are outside of the established normal range. (Detailed description [0063])

Regarding claim **27**, Causey et al discloses the machine-readable storage machine to perform the steps: storing at least one prerecorded message', and playing at least one prerecorded message. (Detailed description [0071] & [0075])

Regarding claim **28**, Causey et al discloses the machine readable storage further causing the machine to perform the step of receiving a communication from a remote computing system specifying a suggested course of treatment. (Detailed description [0063])

Regarding claim **29**, Causey et al discloses the machine readable machine to perform the step of signaling a medication delivery system to regulate the delivery of at least one

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substance according to said suggested course of treatment. (Detailed description [0078])

Regarding claim 30, Causey et al discloses the machine readable storage further causing the machine to perform the step of updating the patient profile according to detected health indicators. (Detailed description [0077]).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sonal Prasad whose telephone number is 571-272-3383. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin Sirmons can be reached on (571)272-4965. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sonal Prasad
Examiner
Art Unit 3767

